



#107.4.  
Op 1626/19/01

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MAY 29 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TECH CENTER 1600/2900

APPLICANTS : REINER FISCHER ET AL.  
SERIAL NO. : 08/470,563  
FILED : June 6, 1995  
FOR : N-ARYL-SUBSTITUTED NITROGEN-CONTAINING  
HETEROCYCLES, PROCESSES AND NOVEL  
INTERMEDIATES FOR THEIR PREPARATIONS, AND THEIR  
USE AS HERBICIDES AND PLANT GROWTH REGULATORS  
ART UNIT : 1626  
EXAMINER :

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May 21, 2001

Hon. Commissioner of Patents  
Washington, D.C. 20231

**COMMUNICATION REGARDING ERRONEOUS  
ABANDONMENT/TERMINATION LETTER**

SIR:

On February 21, 2001, the above-identified letter, a copy of which is attached, was mailed to the undersigned at his old address, and actually reached the undersigned sometime in March 2001.

The undersigned spoke to Ms. Doshie Day on or about April 21, 2001, and pointed out that the letter is clearly in error. Ms. Day agreed, and indicated that the letter should be

disregarded. This letter is simply to clarify the instant file history.

The letter erroneously identifies the wrong application. The prior address of the undersigned is correct:

Norris McLaughlin & Marcus PA  
660 White Plains Rd  
Tarrytown, NY 10591-5144

However, the information identifying the application is incorrect. Thus, the letter refers to:

USSN 09/470,563  
Filed December 22, 1999  
Dave Bova (First Named Applicant)

The undersigned has checked his records, and he does not represent a Dave Bova in any case of record, and, also, he has no record of a USSN 09/470,563 filed on December 22, 1999.

However, the undersigned does have in his records a USSN 08/470,563 filed on June 6, 1995, in the name of Reiner Fischer et al.

It is believed that the Patent Office simply mixed up the series numbers of the applications involved, although it is not understood how the undersigned's address came to be associated with the wrong serial number. In any case, the error was brought to Ms. Day's attention, and she indicated that she would correct the Patent Office's records.

In short, Applicants do not believe that USSN 08/470,563 has gone abandoned, or that they must take any further action with respect to the letter. As instructed by Ms. Day, Applicants' will simply ignore the letter. If, however, Applicants must take some action, then Applicants respectfully request that a proper letter be sent to the undersigned indicating exactly what action must be taken.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By



Kurt G. Briscoe  
Reg. No. 33,141

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

CERTIFICATE OF MAILING

I hereby certify that the foregoing Communication Regarding Erroneous Abandonment/Termination Letter is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: May 21, 2001

By

  
Kurt G. Briscoe

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MAY 29 2001

MAY 24 2001

PATENT &amp; TRADEMARK OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1000/2000  
COMMISSIONER OF PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/470,563	12/22/1999	DAVE BOVA	

CONFIRMATION NO. 6306

ABANDONMENT/TERMINATION  
LETTER

\*OC000000005787223\*

Norris McLaughlin & Marcus PA  
660 White Plains Rd  
Tarrytown, NY 10591-5144

Date Mailed: 02/21/2001

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE